

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of New York
(State)

Case number (if known): _____ Chapter _____

☐ Check if this is an amended filing

Official Form 205

Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

- ☒ Chapter 7
☐ Chapter 11

Part 2: Identify the Debtor

2. Debtor's name

THEMIS CHIMNEY INC.

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or *doing business as* names.

4. Debtor's federal Employer Identification Number (EIN)

☐ Unknown

06-1614323
EIN

5. Debtor's address

Principal place of business

531 Coster Street

Number Street

Bronx

City

NY

State

10474

ZIP Code

Bronx

County

Mailing address, if different

529 Manida Street

Number Street

P.O. Box

Bronx

City

NY

State

10474

ZIP Code

Location of principal assets, if different from principal place of business

Number Street

City

State

ZIP Code

Debtor _____ Case number (if known) _____
Name

6. Debtor's website (URL) _____

7. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other type of debtor. Specify: _____

8. Type of debtor's business

Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the types of business listed.
☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

- ☒ No
☐ Yes. Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY
Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Part 3: Report About the Case

10. Venue

Check one:

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☒ No
☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor

Name

Case number (if known)

13. Each petitioner's claim

Name of petitioner

Nature of petitioner's claim

Amount of the claim
above the value of
any lien

Diversified Air Products, Inc.

Services rendered

\$ 5,850

Herc Rentals Corp.

Equipment leasing

25,598.17

SMWU Local 28 et. al.(entity

Union benefits

1,164,583.11

list attached)

Total of petitioners' claims

\$ 1,196,031.28

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4: Request for Relief

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

Name and mailing address of petitioner

SMWU Local 28 et. al. (entity list attached)

Name

195 Mineola Boulevard

Number Street

Mineola

NY

11501

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/14/2024

MM / DD / YYYY

/s/Eric Meslin, President & Business Manager

X

Signature of petitioner or representative, including representative's title

Attorneys

Jonathan S. Pasternak

Printed name

Davidoff Hutcher & Citron, LLP

Firm name, if any

605 Third Avenue

Number Street

New York

NY

10158

City

State

ZIP Code

Contact phone 914-381-7400 Email jsp@dhclegal.com

2343598

Bar number

State

NY

X /s/ Jonathan S. Pasternak

Signature of attorney

Date signed 02/14/2024

MM / DD / YYYY

Debtor

Name

Case number (if known)

Name and mailing address of petitioner

Diversified Air Products, Inc.

Name

1 Corporate Drive

Number Street

Orangeburg

NY

10902

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

02/14/2024

Executed on

MM / DD / YYYY

☒ /s/ Tom Tulley, President

Signature of petitioner or representative, including representative's title

Jonathan S. Pasternak

Printed name

Davidoff Hutcher & Citron, LLP

Firm name, if any

605 Third Avenue

Number Street

New York

NY

10158

City

State

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Bar number 2343598

State

NY

☒ /s/ Jonathan S. Pasternak

Signature of attorney

Date signed 02/14/2024

MM / DD / YYYY

Name and mailing address of petitioner

Herc Rentals Corp.

Name

6951 Norwitch Drive

Number Street

Philadelphia

PA

19153

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

02/14/2024

Executed on

MM / DD / YYYY

☒ /s/ Alex Zurawwskyj, Legal Svcs. & Risk Mgr. .

Signature of petitioner or representative, including representative's title

Jonathan S. Pasternak

Printed name

Davidoff Hutcher & Citron, LLP

Firm name, if any

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Bar number 2343598

State

NY

☒ /s/ Jonathan S. Pasternak

Signature of attorney

Date signed 02/14/2024

MM / DD / YYYY

LIST OF ENTITIES COMPRISING LOCAL 28

International Association Of Sheet Metal, Air, Rail And
Transportation Workers Local Union No. 28, AFL-CIO
Sheet Metal Workers Local Union No. 28 Welfare Fund
Sheet Metal Workers Local Union No. 28 Annuity Fund
Sheet Metal Workers Local Union No. 28 Pension Fund
Sheet Metal Workers Local Union No. 28 Joint Labor Management Fund
Sheet Metal Workers Local Union No. 28 Education Fund
195 Mineola Boulevard
Mineola, NY 11501
Attn: Eric Meslin, President and Trustee